

MONTANA LEGISLATIVE HISTORY

Chapter 677 19 87

Bill H 486 S _____

Original bill & history 1 c

H. Committee on NOT Resolved S. Committee on NOT Resolved

Hearing Date(s) 2/6 1 c

Hearing Date(s) 3/8 1 c

2/13 1 c

3/15 1 c

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_____ c

Date Out _____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

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HOUSE FINAL STATUS

3/06	3RD READING CONCURRED	48	2
	RETURNED TO HOUSE		
3/10	SIGNED BY SPEAKER		
3/10	SIGNED BY PRESIDENT		
3/11	TRANSMITTED TO GOVERNOR		
3/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 117		
	EFFECTIVE DATE: 10/01/89		
HB 485	INTRODUCED BY COHEN, ET AL.		
	REQUIRE MOTOR VEHICLE WRECKING FACILITIES TO COMPLY		
	WITH APPLICABLE PLANNING AND ZONING		
	REQUIREMENTS		
1/28	INTRODUCED		
1/30	REFERRED TO LOCAL GOVERNMENT		
2/07	HEARING		
2/14	TABLED IN COMMITTEE		
HB 486	INTRODUCED BY GRADY, ET AL.		
	REQUIRE GROUNDWATER MONITORING AT CERTAIN LANDFILLS		
	AND WASTE DISPOSAL SITES		
1/28	INTRODUCED		
1/30	REFERRED TO NATURAL RESOURCES		
1/31	FISCAL NOTE REQUESTED		
2/06	HEARING		
2/06	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		
2/14	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/18	2ND READING PASSED	67	29
2/21	3RD READING PASSED	69	28
	TRANSMITTED TO SENATE		
2/28	REFERRED TO NATURAL RESOURCES		
3/08	HEARING		
3/17	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCURRED	30	16
3/21	3RD READING CONCURRED	36	13
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS NOT CONCURRED	53	45
4/06	CONFERENCE COMMITTEE APPOINTED		
4/17	CONFERENCE COMMITTEE REPORT NO. 1		
4/18	2ND READING CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	53	44
4/19	3RD READING CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	53	43
	SENATE		
4/07	CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE REPORT NO. 1		
4/19	2ND READING CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	50	0
4/19	3RD READING CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	46	4
4/21	SIGNED BY SPEAKER		
4/26	SIGNED BY PRESIDENT		
4/27	TRANSMITTED TO GOVERNOR		

HOUSE FINAL STATUS

5/16 SIGNED BY GOVERNOR
CHAPTER NUMBER 677 EFFECTIVE DATE: 10/01/89

HB 487 INTRODUCED BY MCDONOUGH, ET AL.
STORE/REPRODUCE STATE RECORDS ACCORDING TO RULES
ADOPTED BY SECRETARY OF STATE
BY REQUEST OF SECRETARY OF STATE

1/28 INTRODUCED
1/30 REFERRED TO STATE ADMINISTRATION
2/08 HEARING
2/08 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/11 2ND READING PASSED 93 0
2/14 3RD READING PASSED 96 0

TRANSMITTED TO SENATE
2/15 REFERRED TO STATE ADMINISTRATION
3/06 HEARING
3/06 COMMITTEE REPORT--BILL CONCURRED
3/07 2ND READING CONCURRED 50 0
3/09 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
3/14 SIGNED BY SPEAKER
3/15 SIGNED BY PRESIDENT
3/15 TRANSMITTED TO GOVERNOR
3/20 SIGNED BY GOVERNOR
CHAPTER NUMBER 185 EFFECTIVE DATE: 10/01/89

HB 488 INTRODUCED BY BROOKE, ET AL.
CHANGE DEADLINE FOR REPLACING CANDIDATE PRIOR TO
GENERAL ELECTION

1/28 INTRODUCED
1/30 REFERRED TO STATE ADMINISTRATION
2/09 HEARING
2/09 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/11 2ND READING PASSED 89 4
2/14 3RD READING PASSED 92 5

TRANSMITTED TO SENATE
2/15 REFERRED TO STATE ADMINISTRATION
3/10 HEARING
3/10 COMMITTEE REPORT--BILL CONCURRED
3/11 2ND READING CONCURRED 45 0
3/14 3RD READING CONCURRED 49 0

RETURNED TO HOUSE
3/17 SIGNED BY SPEAKER
3/18 SIGNED BY PRESIDENT
3/18 TRANSMITTED TO GOVERNOR
3/22 SIGNED BY GOVERNOR
CHAPTER NUMBER 229 EFFECTIVE DATE: 10/01/89

HB 489 INTRODUCED BY RICE
INCREASE PENALTY FOR TRANSMISSION OF FALSE REPORT OR
WARNING OF IMPENDING EXPLOSION

1/28 INTRODUCED
1/30 REFERRED TO JUDICIARY

1 *HOUSE* BILL NO. *486*
2 INTRODUCED BY *Grady Hager*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE GROUNDWATER
5 MONITORING AT CERTAIN MUNICIPAL SOLID WASTE LANDFILLS AND
6 WASTE DISPOSAL SITES; AMENDING SECTIONS 75-10-203 AND
7 75-10-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

9 STATEMENT OF INTENT

10 A statement of intent is required for this bill in
11 order to provide guidance to the department of health and
12 environmental sciences concerning the adoption of rules
13 authorized by the bill. The purpose of the new rules is to
14 establish appropriate requirements for groundwater
15 monitoring at municipal solid waste landfills and other
16 disposal sites as specified in the bill. The rules must
17 address the following topics:

18 (a) the types and quality of information the
19 department requires from owners and operators of municipal
20 solid waste landfills and other disposal sites in order to
21 prepare the groundwater monitoring priority compliance list;

22 (b) requirements concerning the number and placement
23 of monitoring wells, considering hydrologic, geologic, and
24 other relevant factors;

25 (c) the content of plans for the design, construction,

1 and maintenance of monitoring wells and systems; and

2 (d) requirements for collecting, recording, and
3 reporting monitoring results.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6 **Section 1.** Section 75-10-203, MCA, is amended to read:

7 "75-10-203. Definitions. Unless the context requires
8 otherwise, in this part the following definitions apply:

9 (1) "Board" means the board of health and
10 environmental sciences provided for in 2-15-2104.

11 (2) "Department" means the department of health and
12 environmental sciences provided for in Title 2, chapter 15,
13 part 21.

14 (3) "Dispose" or "disposal" means the discharge,
15 injection, deposit, dumping, spilling, leaking, or placing
16 of any solid waste into or onto the land so that the solid
17 waste or any constituent of it may enter the environment or
18 be emitted into the air or discharged into any waters,
19 including groundwaters.

20 (4) "Household waste" means any solid waste derived
21 from households, including single and multiple residences,
22 hotels, and motels, crew quarters, and campgrounds and other
23 public recreation and public land management facilities.

24 (5) "Municipal solid waste landfill" means any
25 publicly or privately owned landfill or landfill unit that

receives household waste or other types of waste, including commercial waste, nonhazardous sludge, and industrial solid waste. The term does not include land application units, surface impoundments, injection wells, or waste piles.

(4)(6) "Person" means an individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

(5)(7) "Resource recovery" means the recovery of material or energy from solid waste.

(6)(8) "Resource recovery facility" means a facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

(7)(9) "Resource recovery system" means a solid waste management system which provides for the collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste residues.

(8)(10) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited to garbage; rubbish; refuse; ashes; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert

materials. "Solid waste" does not mean municipal sewage, industrial wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department of state lands, slash and forest debris regulated under laws administered by the department of state lands, or marketable byproducts.

(9)(11) "Solid waste management system" means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste.

(10)(12) "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a period of years.

(11)(13) "Transport" means the movement of wastes from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.

(12)(14) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize the waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced in volume."

NEW SECTION. Section 2. Groundwater monitoring. (1) Owners and operators of municipal solid waste landfills and other disposal sites that at any time accepted household waste, that are in operation as of [the effective date of

receives household waste or other types of waste, including commercial waste, nonhazardous sludge, and industrial solid waste. The term does not include land application units, surface impoundments, injection wells, or waste piles.

~~(4)~~(6) "Person" means an individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

~~(5)~~(7) "Resource recovery" means the recovery of material or energy from solid waste.

~~(6)~~(8) "Resource recovery facility" means a facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

~~(7)~~(9) "Resource recovery system" means a solid waste management system which provides for the collection, separation, recycling, or recovery of solid wastes, including disposal of nonrecoverable waste residues.

~~(8)~~(10) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited to garbage; rubbish; refuse; ashes; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert

materials. "Solid waste" does not mean municipal sewage, industrial wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department of state lands, slash and forest debris regulated under laws administered by the department of state lands, or marketable byproducts.

~~(9)~~(11) "Solid waste management system" means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste.

~~(10)~~(12) "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a period of years.

~~(11)~~(13) "Transport" means the movement of wastes from the point of generation to any intermediate points and finally to the point of ultimate storage or disposal.

~~(12)~~(14) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize the waste or so as to render it safer for transport, amenable for recovery, amenable for storage, or reduced in volume."

NEW SECTION. **Section 2. Groundwater monitoring.** (1) Owners and operators of municipal solid waste landfills and other disposal sites that at any time accepted household waste, that are in operation as of [the effective date of

this act], and that serve a geographic area with a population of 5,000 or more persons as determined by the most recent census are required to monitor groundwater as specified by the department.

(2) If the owner or operator of a municipal solid waste landfill or other disposal site specified in subsection (1) can demonstrate to the department that there is no potential for migration of constituents from the site that could cause pollution of groundwater during the active life of the site, including the closure period, and during postclosure care, the requirement for groundwater monitoring specified in subsection (1) does not apply. The information provided to the department to make this demonstration must be certified by a qualified geologist, hydrogeologist, or geotechnical engineer and must include reliable site-specific data.

(3) Based on site-specific information that owners and operators of municipal solid waste landfills and other disposal sites specified in subsection (1) provide to the department, the department shall establish a priority compliance list that identifies those sites where there is the greatest risk that constituents from the sites may cause pollution of groundwater, considering:

(a) proximity to current and potential drinking water supplies;

(b) site hydrologic and geologic characteristics; and
(c) age and design of the site.

(4) Owners and operators of municipal solid waste landfills and other disposal sites specified in subsection (1) shall submit proposed plans to the department for accomplishing groundwater monitoring, consistent with requirements specified by department rules. The plans may be based on the information owners and operators provide to the department as specified in subsection (3). The department may approve the plans as submitted or require modifications to the plans as necessary to accomplish the purposes of this section.

(5) All sites included on the priority compliance list authorized by subsection (3) must comply with this section by January 1, 1991. All other sites subject to this section must comply by January 1, 1992.

Section 3. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but are not be limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairperson Bob Raney, on February 6, 1989, at
3:30 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Claudia Montagne, Secretary; Hugh Zackheim,
Staff Researcher, Environmental Quality Council

Announcements/Discussion: None

HEARING ON HB 486

Presentation and Opening Statement by Sponsor:

REP. GRADY, House District 47, said that contaminated groundwater from leaking landfills had been a persistent problem and the clean up had proven to be expensive and time consuming. He said the potential hazardous nature of solid waste landfills called for the implementation of systems that would monitor the extent of groundwater contamination caused by leakage.

REP. GRADY said the purpose of HB 486 was to establish appropriate guidelines for groundwater monitoring at municipal landfills serving populations of 5,000 or more. The Department of Health and Environmental Sciences (DHES) would establish a priority compliance list identifying sites that posed the greatest risk considering their proximity to drinking water supply, their hydrological and geographical characteristics, and age of the design of the site. This site specific information would be provided by the operator. The department would also require owners and operators of high priority sites to submit proposed plans to the department for accomplishing groundwater monitoring by January 1, 1991. All other sites must comply by January 1, 1992.

REP. GRADY then continued, reading most of the text of HB 486. He distributed EXHIBIT 1, a list of the landfill sites that

would be affected by the bill. It indicated those which had monitoring wells, those with confirmed leakage, and those with suspected leakage.

Testifying Proponents and Who They Represent:

Chris Kaufmann, Montana Environmental Information Center
James Leiter, Solid and Hazardous Waste Bureau of the
Montana Department of Health and Environmental Sciences
Willa Hall, League of Women Voters of Montana
Donna Tenneson, City/County Sanitation, Helena
Rep. Ben Cohen, House District 3
Kim Wilson, Montana Sierra Club
Stan Bradshaw, Montana Council, Trout Unlimited

Proponent Testimony:

CHRIS KAUFMANN testified as set forth in EXHIBIT 2.

JAMES LEITER testified as set forth in EXHIBIT 3.

WILLA HALL said LWV would like to add their support of the bill. She said the importance of protecting groundwater could not be understated, and that monitoring was a very important first step in that direction. She added that it was far more economical to monitor than to clean it up.

DONNA TENNESON said the city and county had been in their landfill for 1 year. During its development, her department worked closely with the state and were advised of the regulations coming up for the landfill by Jim Leiter of the Solid and Hazardous Waste Bureau. She said they had to put in four monitoring wells at the site, with the monitoring performed by Hydrometrics twice a year. She said their concern would be the contamination of drinking water, and said that the groundwater was down 240-260 feet, which was probably a lot further than most sites. She expressed appreciation to the department for the support and advise they had provided and supported the bill.

REP. COHEN testified for the bill and said that he was a garbage hauler and past president of Montana Solid Waste Contractors Association. He said the people in the industry had been very conscious of the regulations that had been coming down. He said that he personally, and others like Ms Tennyson, felt that this was really the right step for the state to be taking now so that it did not find itself in trouble when the federal regulations were imposed. He said the state needed to start taking the appropriate action now.

KIM WILSON said the need for improved monitoring and watching of the groundwater situation in Montana was becoming increasingly clear. He said it was borne out by the number of communities that applied for Renewable Resource and

Development grant monies to monitor their ground water in the last cycle of the grant proposals.

STAN BRADSHAW said he expressed TU's support for HB 486.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Submitted Opponent Testimony:

Lester Ollerman, Mayor, Glendive (EXHIBIT 4)

Questions From Committee Members:

REP. ROTH asked where the information sheet on landfills and wells (EXHIBIT 1) originated. CHRIS KAUFMANN responded that the information originated from Mr. Leiter's department.

REP. ROTH asked Jim Leiter what was being used as the nearwater site for the Billings landfill. MR. LEITER said the nearwater in general would be either surface water or the closest drinking water well. In that case, it was probably the river. REP. ROTH asked Mr. Leiter how he explained the testimony that for the Helena landfill, the groundwater depth was 240 feet, while the list indicated 20 feet. JIM LEITER said the testimony was for a different landfill, a private city/county landfill, while the 20 foot figure was for the Helena landfill.

REP. ROTH asked Rep. Cohen if he, as a private hauler, would pass additional charges on to his customers, and asked if he was regulated by the Public Service Commission. REP. COHEN said he was regulated by the PSC. REP. ROTH asked if he would have to go to the PSC to pass additional charges on to the customers. REP. COHEN said no, because private haulers were regulated by territory, and were not rate regulated. In addition, he said many of the landfills did not attach their user fees through the hauler, but rather through some taxing jurisdiction. For example, in Flathead County he said there was a refuse disposal district that had a special assessment on the tax rolls. The landfill and the governing body would use the reported amount of garbage picked up for the setting of the assessment.

REP. ROTH asked if the increased charge would be passed on as a tax increase to the local taxpayers of the district. REP. COHEN replied it would be passed on where there were districts in the form of a special assessment.

REP. GILBERT asked Mr. Leiter how many FTE's he estimated his department would need for this program. JIM LEITER said 1.5

FTE's, a full-time hydrogeologist and a half-time clerical person. REP. GILBERT asked how the department would monitor all the landfill sites in the state with those 1.5 FTE's. MR. LEITER said the fiscal note covered that. The bill would require 28-30 landfills initially to have the monitoring by 1991 or 1992. The department would pass the requirements onto the individual landfill operators, who would be required to recommend a system to the department through a hydrogeologist they would retain. The retained hydrogeologist would do the monitoring themselves and submit the results to DHES for review.

MR. LEITER said the department hydrogeologist would be there to review the proposals, to do field inspections, and to work with the enforcement of the requirements. REP. GILBERT asked if this was in the department's proposed budget for the coming biennium. MR. LEITER said no. REP. GILBERT said he had a problem with that since, DHES's budget was presently being funded out of the junk vehicle fee. He asked how much he thought that fee could stand. MR. LEITER said the department had a problem with that too and could not answer that question.

REP. GILBERT asked that the committee review the fiscal note. REP. RANEY requested that copies of the fiscal note be given to all committee members for review prior to executive action.

REP. COHEN asked about the resolution introduced by Rep. Menahan that addressed the federal monitoring regulations and their impact on the Anaconda landfill. MR. LEITER responded that the federal government had proposed some stringent landfill regulations which would include groundwater monitoring requirements for virtually every landfill. In an effort to keep communities informed of the costs of that, the department had circulated a copy of the rules and a cover letter, and had met with as many people as they could about those proposed federal requirements. He said they were not anticipated to be finalized until December, 1989, and probably would not be effective for existing landfills until May of 1991.

MR. LEITER said that the regulations, among other things, required ground water monitoring systems, post-closure monitoring for a minimum period of 30 years, financial assurance for closure costs and the potential groundwater contamination that might be caused after the closure, and a gate keeper who would be knowledgeable about hazardous waste and randomly inspect loads. He said the proposed regulations had raised the concern of many people, especially in rural areas, regarding the continued operation of the landfills and at what cost.

MR. LEITER said Rep. Menahan's resolution was to ask the EPA to give special consideration to Montana, particularly its

rural sites. He told the committee those proposed regulations from the federal government were already in effect in 2/3 of the states, some with even more stringent regulations. He said Congress had mandated EPA pass those regulations because many states were running out of landfill sites, and there was an increase of interstate transportation of garbage, infectious waste and special waste.

MR. LEITER said the costs of disposal of refuse were escalating, with the Montana average at \$8-10 a ton while in New Jersey, it was \$150 per ton. Montana was getting inquiries from persons in New Jersey wanting to transport garbage here because it was cheaper. He said Congress, in its effort to pass comprehensive landfill regulations, was trying to do something about that. The federal government was encouraging communities to plan now, to recycle and to reduce the amount of garbage being disposed. The state was also trying to reach as many small communities as it could with planning and technical assistance.

The Anaconda landfill was a classic example of what this bill could remedy. The landfill had a spring running through it, and a stream at its toe. MR. LEITER said it was a site on which the department did not require monitoring in the first place. If the department had, the contamination problem would have been detected. Before, the department lacked the manpower and enforcement authority to require that monitoring. He said that recently they had revoked their license and were in the process of negotiating with them.

REP. GILBERT stated that \$25,000 would not seem adequate funding for the kinds of requirements that he was addressing. MR. LEITER said the community would propose a monitoring system to the department by using the services of a qualified hydrogeological consultant who would evaluate the site. Currently there were two firms in Helena that were doing this kind of work, and any number of firms were available to do the work. The cost to hire a consultant to site the monitoring well, and assist in the drilling, would be in the range of \$5,000.

REP. GILBERT said that most of the areas in question were rural, and doubted the presence of qualified consultants in those areas. He suggested the costs would be higher than Mr. Leiter was indicating. MR. LEITER said he did not think the department's figures were inaccurate.

REP. HARPER asked what kind of financial assistance the state could offer to local governments. He commented that there used to be a bill stating that the state could not adopt additional regulations which would increase the costs to local government without including a funding mechanism.

REP. RANEY asked Jim Leiter how often the well would have to be monitored, what the procedures were, and how much it would cost each year. MR. LEITER said that would be developed in the rules. Typically, a landfill would be monitored twice a year, the cost of which would range from \$200 to \$600 per sample, depending upon the numbers of parameters sampled. Therefore, for a landfill with four wells, monitored twice a year, the cost would be approximately \$5,000. REP. RANEY asked how long it would be before the federal regulations were required. MR. LEITER said the earliest date would be 1991 at existing landfill sites.

REP. RANEY asked how the department arrived at the \$25,000 figure for each landfill. MR. LEITER said they had figured 6 wells, 60 feet deep each, at a cost of \$3,000 per well, or \$18,000. In addition, there would be \$5,000 for a hydrogeological evaluation, and \$7,200 per year for the ongoing sampling costs. He said these were top end estimates. He suggested that these costs, amortized over the life of a landfill would not mean much increase cost per user per year.

Closing by Sponsor: REP. GRADY said he decided to carry HB 486 bill because the human consumption of water was an important issue. He said he understood and appreciated the financial impact to the counties, having experienced the increased costs in Lewis and Clark County, but said the money would be well spent. He said the figures on the fiscal note would not be necessarily the same for all districts, and he commented that Rep. Menahan's resolution could ward off some of the impacts of the regulations, but it would not off ward off the monitoring wells. That was something that must be done. He encouraged the committee to take positive action on the bill.

HEARING ON HB 498

Presentation and Opening Statement by Sponsor:

REP. GRADY introduced HB 498 at the request of his constituents, the majority of whom had wells. He said the property changed hands quite often, and well log information got lost, or was never given by the prior owner to the new owner. He said there was no record of the well log information at the Department of Natural Resources and Conservation, or it often could not be found. These constituents asked that Rep. Grady introduce legislation that would stamp the well log information on the casing or the cap. The information to be provided by the driller would be the date of the completed drilling, the depth of the well, the number of gallons per minute the well was capable of producing, and the name of the contractor

NO - NO MONITORING

YES = ADEQUATE MONITORING FOR THIS BILL

PARTIAL = SOME MONITORING, BUT NOT ADEQUATE FOR THIS BILL

L = Leaking to Groundwater

SUSP - Suspected Leaks

CONT = Leaking, but contained on site

Record#	COUNTY	CITY	POPULATION	SITENAME	DEPTHGW	NEARWATER
39	GLACIER	CUT BANK	NO 5000	CUT BANK	18	1+ MI
14	CARBON		NO 5500	CARBON CO. LANDFILL	0	2 MI
50	LAKE	POLSON	NO 6000	POLSON LANDFILL	200	1/2 MI
59	MADISON	ENNIS	NO 6000	ENNIS	50	1 MI
2	BEAVERHEAD	DILLON	NO 6500	DILLON	0	1/2 MI
34	FERGUS		NO 7500	W.A. SPOJA JR. LANDFILL	65	1/2 MI
90	RICHLAND	SIDNEY	NO 9000	SIDNEY LANDFILL	35	1/4 MI
17	CASCADE	GREAT FALLS	NO 10000	CITY TRANSFER AND DISPOSAL	200	4 MI
24	CUSTER	MILES CITY	NO 10000	CUSTER CO. LANDFILL	95	1/2 MI
54	LEWIS AND CLARK	HELENA VALLEY	YES 10000	SCRATCH GRAVEL - (L)	65	1/4 MI
95	ROSEBUD	COLSTRIP	PARTIAL 10000	COLSTRIP LANDFILL	15	1/2 MI
113	VALLEY		PARTIAL 10250	VALLEY CO. LANDFILL	60	2 MI
27	DAWSON	GLENDIVE	NO 11000	GLENDIVE LANDFILL	100	1/2 MI
37	GALLATIN	LOGAN	PARTIAL 12000	LOGAN LANDFILL	60	1/4 MI
69	PARK	LIVINGSTON	NO 12000	PARK CO. LANDFILL	65	1/2 MI
88	RAVALLI	BITTERROOT VALLEY	PARTIAL 12000	BITTERROOT VALLEY LANDFILL - (L)	59	1,000'
117	YELLOWSTONE	LAUREL	NO 12000	LAUREL	6	9/10 MI
58	LINCOLN	LIBBY	NO 13000	LIBBY LANDFILL	160	2 MI
29	DEER LODGE	ANACONDA	NO 15000	ANACONDA LANDFILL - (SUSP)	20	5 MI
84	POWELL	DEER LODGE	NO 15000	DEER LODGE LANDFILL	20	5 MI
32	FERGUS		NO 18000	MR. "M" DISPOSAL	100	1,500'
12	BLAINE		PARTIAL 23000	UNIFIED DISPOSAL DIST. LANDFILL	60	1 MI
36	GALLATIN	BOZEMAN	YES 35000	BOZEMAN LANDFILL - (L)	50	1/4 MI
51	LEWIS AND CLARK	HELENA	YES 35000	HELENA - (L)	20	1/4 MI
35	FLATHEAD	KALISPELL	PARTIAL 45000	FLATHEAD CO. LANDFILL - (SUSP.)	146	300'
102	SILVER BOW	BUTTE	NO 45000	BUTTE	25	3/4 MI
18	CASCADE	GREAT FALLS	YES 65000	GREAT FALLS LANDFILL	30	1/4 MI
67	MISSOULA	MISSOULA	YES 67000	BFI OF MONTANA LANDFILL - (CONT)	65	2 MI
118	YELLOWSTONE	BILLINGS	YES 100000	BILLINGS - (L)	50	1,000'

7,000 - 12,000 Install

2000 - 3,000 - monitoring & reporting

EXHIBIT 1
DATE 11/3/86
HB 2-6-89

Mr. Chair, members of the committee, for the record, my name is Chris Kaufmann. I'm representing the Montana Environmental Information Center and our members across the state in support of HB 486.

Nearly all of our members, as well as most of your constituents have a direct interest in this bill--at least if they drink water. HB 486 will provide information to citizens and authorities on the quality of our drinking water in the most populous areas of our state. Landfills serving a population base of 5000 or more people (approximately 23 out of the 120 landfills in the state) will be required to install a groundwater monitoring system under the guidance of Department of Health and Environmental Services. The information gathered will allow us to make the best choices about prevention and cleanup of contaminated drinking water.

The problem is that many municipal solid waste landfills are contaminating the groundwater of Montana and have great potential to harm human health. About 30% of the contents of a landfill is moisture. This "organic soup" is full of poisonous household chemicals and solvents. Unless a landfill is well-sited and designed with liners, this soup can leak down to the groundwater. In Montana, only 11 of the 120 landfills have any type of groundwater monitoring system in place. Of those, 6 are known to be leaking. It is reasonable to assume that 50 more landfills are leaking that we don't know about. We won't know, and won't be able to take corrective action and do effective planning, until we have

groundwater monitoring systems in place.

Citizens are becoming more sensitive to the importance of this issue. Recent polls show that the number of people who believe that groundwater pollution has become a serious problem grew from 28% in 1981 to 54% in 1988. Montanan's have a guaranteed constitutional right to a "clean and healthful environment". Surely this means the assurance of pure drinking water.

Monitoring at the Scratch Gravel Landfill has revealed contamination in 3 domestic wells. Lewis and Clark County is currently required to haul bottled water to about 10 households. It is likely that will need to be extended to 30 to 50 more households. A similar situation may be brewing in Kalispell. If we wait for the Environmental Protection Agency to establish new regulations, we may be hauling drinking water to many communities. We may be spending millions more dollars on cleanup in 1995, because we didn't have the information we needed to take corrective action in 1989. Landfill operators recognize that monitoring will be required soon, and will probably be happier to work with the state than with the EPA.

Of course this is going to cost someone some money. Installation of the system will cost \$7,000 to \$12,000. On-going monitoring and reporting costs will run about \$4,000 - \$5,000 a year. These costs will be bourn by the landfill owner who will rightfully pass them on to the customer. While these costs will be a burden, the costs of public health problems and extensive groundwater cleanup would be a far greater burden.

NO. 2
DATE 5-6-89
FID 486

According to the EPA, the average cost of groundwater cleanup at a single landfill is 10 million dollars. Furthermore, I think it's time for an attitude adjustment in the U.S. It's time for U.S. citizens to accept the responsibility for being the trashiest people on earth. We each produce an average of 5 pounds of garbage a day, up from 2.9 pounds in 1960, and far more than our nearest competitors, the Europeans. It's time for Montanan's, along with other citizens of the U.S., to accept that the cost of consuming includes not only the cost of purchasing, but the cost of disposing of the resulting waste.

EXHIBIT 2
DATE 2/6/89
HB 43486

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

Solid & Hazardous Waste Bureau
Telephone: (406) 444-2821

Testimony on House Bill 486

Mr/Madame Chairman, Ladies and Gentlemen of the committee, I am James Leiter from the Solid & Hazardous Waste Bureau of the Montana Department of Health and Environmental Sciences. I am the program manager for the municipal solid waste program, and I am here today as a proponent for House Bill 486. While H.B. 486 is not a department sponsored bill, we feel that it sets a framework for beginning to address some of the environmental problems we are observing at municipal waste disposal sites in Montana, problems which have developed due to our inability under the current solid waste act and rules to adequately monitor the environmental affects of landfill sites on ground and surface water.

We currently have about 125 municipal landfill sites in the state. Of these, only about a dozen, or approximately 10%, have monitoring wells. Perhaps six of these are adequate to effectively monitor the site's impact on groundwater. Of the approximately six sites with effective monitoring, we have confirmed groundwater contamination in five, and two of these have affected drinking water supplies used by as many as ten families. We have good reason to suspect that many of our other landfill sites are contaminating groundwater as well. If I had to make a guess, I would say that as many as 1/3 to 1/2 of our sites are affecting groundwater.

Only a few of our 125 sites have been placed in their existing locations due to environmental considerations, perhaps ten to twenty. The remainder sit where they do principally due to convenience or factors other than groundwater protection. Only recently have we required all new landfills to have groundwater monitoring information, and then only on questionable authority.

H.B. 486 makes our authority clear. We need to insure that our waste disposal does not affect our groundwater resources. In addition, we need to insure the public that the state will protect them from poor waste disposal practices.

I would, however, suggest one amendment to the bill. Currently many communities are realizing that alternative solid waste disposal solutions may better serve their needs than their existing landfill sites. Some are considering closing their existing sites in the near future. I would recommend the bill be amended so that the effective date is not immediate, but falls on October 1st. This will give these communities additional planning time and remove some of the objections to this proposal.

Even though I know you get tired of hearing it, I do feel obligated to emphasize that our staff of one and one half field FTE's would not allow us to enforce these revisions without increased staffing, so I would

Glendive, Montana
59330



EXHIBIT 4
DATE 2-6-89
HB 486

Phone (406) 365-3318
300 South Merrill

February 14, 1989

House Natural Resources Committee
Bob Raney, Chairman
State Capitol
Helena, MT 59620

Reference: HB 486

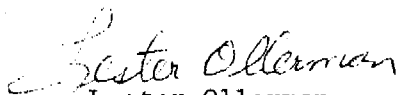
Dear Mr. Raney,

I am writing in opposition to HB 486, requiring cities to monitor groundwater at our landfill sites. We are against this bill due to the EPA requirements that are to take effect in the near future. We do not need any more regulations from the State that will add to the cost of compliance with Federal regulations.

Please read the enclosed article concerning the plight of small communities. As stated, most regulations are written for large cities and put undue burden on the small cities and towns. If the state wishes to pass this bill, they should also furnish the money to comply.

Please consider our position on this bill and the effects on small communities. Thank you!

Sincerely,


Lester Ollerman
Mayor

NATaT Makes Itself Heard

By Kim Beury

The best thing Congress could do for small town America is restore revenue sharing. The next best thing is demand that federal agencies keep small towns in mind when they write regulations and not gear them only to big cities.

"It's as if all regulations are written as if all governments are for a city of 500,000," says Jeff Schiff, National Towns and Townships Association (NATaT) executive director. He points out that of the 99,000 local governments in America, 86 percent serve populations of less than 10,000, and half of the 99,000 govern populations of less than 1,000.

Nearly 1,000 members of NATaT, representing local governments throughout the United States, recently traveled to Washington, D.C., to sound the voices of small-town America.

NATaT's ninth annual, three-day conference brought together local officials who are concerned that, "It's not easy to get the federal government to focus on the fact that when they say state and local governments, they're really speaking to thousands and thousands of governments that have less than 1,000 people," according to NATaT Director of Federal Affairs Anne Cole.

"As an association, our mission is to get Washington to realize that when the federal government cuts funds, increases responsibilities of local governments and issues regulations, the majority of governments in the country don't have the things we assume that a larger community has: staff, city manager, computers, staff attorneys and all this other stuff that puts a community in a better place to help itself," Schiff says.

In Washington, NATaT provides specific guidelines for federal policy-makers to develop realistic, flexible and responsible programs and policies enabling local governments to play the role assigned to them by the federal government.

Accordingly, attendees spent much of the conference focusing on regulatory flexibility, the issue they brought to the attention of members of Congress during their march on Capitol Hill.

Regulatory flexibility, an act passed by Congress in 1980, requires all federal agencies that write regulations affecting small governments to consider the differing abilities large and small governments have in tending to national goals.

Further, the act requires agencies to complete an initial and final report proving local governments have the ability to adhere to the rules when publishing any proposed regulations.

Schiff says demanding that federal agencies observe the regulatory flexibility act "would be the next best thing Congress could do for us, short of restoring revenue sharing."

Giving a scenario of how regulatory flexibility would benefit local governments, Schiff explained during the conference,

"We have a situation where Congress writes the law and tells the federal agency to write a regulation. The regulation gets written as if everybody is a big city. Well, in the area of the environment, we could potentially be facing a disaster ... Congress tells EPA (U.S. Environmental Protection Agency) to do something about hazardous waste. EPA writes unrealistic regulations, wipes its hands and says 'We've handled that problem.'"

"But at the local level, these small communities don't have the wherewithal to implement the regulations. That doesn't mean we don't want to; it means the regs are out of sync with the reality of small towns," Schiff says.

NATaT President David Russell emphasizes the point. "A regulation that is impossible to deal with is an unenforceable and wasted regulation. Government regulations should be written so that small localities can comply with the law, and the reg flex act encourages agencies to do just that," Russell says.

EPA Administrator Lee Thomas, who says he empathizes with the plight of small governments in this age of new federalism, has outlined action his administration will take to assist those governments.

"You will see a continuing number of standards established by EPA over the next several years," Thomas says. "I'm increasingly concerned that many (small-town governments) are going to say, 'It's not that I don't want to (implement EPA directives), it's that I don't see how it can be done.'"

Thomas says the partnership between federal and

local government could be strengthened. "Smaller communities will face some of the toughest challenges as you look at the financing required to carry out the directives," he says.

Each year, NATaT honors an individual with the Dave Durenberger Local Grass Roots Leadership Award, for innovative ideas to deal with increased responsibilities and regulations. Before presenting this year's award, Sen. Durenberger of Minnesota told the delegates, "Coming here is very important ... NATaT is all about making the federal system work."

"A good government can only work uniquely when the partnership between the federal, state and local governments works most effectively. It's one thing to say, like we've said the past eight years, 'We're sending all the responsibility back home where it belongs, where you can do it more effectively,' but if the resources are not there, human resources are there. They're in the room today ... if the finances aren't there, you have a problem ... when we celebrate public service ... we really are celebrating creative imagination..." □



*"Regulations
are out of sync
with the reality
of small towns."*

Jeff Schiff

Kim Beury is the Washington correspondent for American City & County.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor: REP. O'KEEFE closed, referring the committee of page 3 of EXHIBIT 18, for a list of communities in need of this type of loan. He said the interest rate would vary between 0% to market value.

DISPOSITION OF HB 601

Motion: REP. O'KEEFE moved DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. O'KEEFE moved amendments consisting of changing "revolving fund" to "special revenue account" as necessary throughout the bill.

The motion on the amendment CARRIED unanimously.

Recommendation and Vote: REP. O'KEEFE moved the bill DO PASS AS AMENDED. The motion CARRIED unanimously.

DISPOSITION OF HB 486

Hearing 2/6/89

Motion: REP. O'KEEFE moved DO PASS on HB 486.

Discussion: REP. O'KEEFE said there had been a debate on actual costs of putting in and monitoring the wells. Numbers from Lewis and Clark County indicated that the initial cost for installing three groundwater monitoring wells was \$5,000, with an additional \$2,600 for first year monitoring.

REP. GILBERT said it was a good idea, but bad legislation. He said there was no funding mechanism.

Amendments, Discussion, and Votes: REP. HARPER moved an amendment limiting the depth (100 feet) and number of wells (4), unless site specific information indicated otherwise.

REP. O'KEEFE said he had no problem with the amendment if the committee felt it was necessary. REP. HARPER said this

amendment might give the bill a chance in the Senate. He said he would rather have some bill with limits to raise the awareness level than have no bill at all.

REP. BROOKE asked for the amendment to be repeated, and REP. HARPER repeated the amendment with some additional words: "unless site specific information indicates otherwise, the department may not require monitoring wells if the groundwater level is greater than 100 feet from the lowest level of waste, and may not require more than 4 monitoring wells."

The motion CARRIED, with Rep. Clark, Rep. Cohen, Rep. Raney and Rep. Gilbert voting no.

REP. RANEY said the department recommended an effective date of October 1 in order to give the impacted individuals some lead time. He offered an amendment to make an effective date of October 1, 1989.

REP. HARPER moved the amendment. The motion CARRIED.

Recommendation and Vote: REP. O'KEEFE moved the bill DO PASS AS AMENDED. The motion CARRIED on a roll call vote 12 to 4.

DISPOSITION OF HB 413

Motion: REP. GIACOMETTO moved the bill DO PASS.

Discussion: None

Amendments, Discussion, and Votes: REP. HARPER moved the amendments. He referred to the amendments in EXHIBIT 19. He offered one change to the amendments, involving the moving of the word "both" so that it would follow the word "by". He said Rep. Westlake endorsed the amendments, and the subcommittee was unanimous in its support of the amendments. REP. HARPER explained that with the amendments, the bill allowed the Department of Natural Resources and Conservation, together with one valid right holder, to petition the District Court to appoint a water commissioner. The motion CARRIED unanimously.

Recommendation and Vote: REP. GIACOMETTO moved the bill DO PASS AS AMENDED. The motion CARRIED unanimously.

DISPOSITION OF HB 399

Hearing 2/01/89
Executive Action 2/06/89

Motion: REP. O'KEEFE moved to RECONSIDER HB 399.

Senator Stimatz asked about the definition of a small public water system as being less than ten service connections?

Representative Cocchiarella said the rulemaking process of the Department of Health and Environmental Services (DHES) will make sure that these are small systems.

Senator Jenkins asked why change "less than ten" to "small"? Why not keep "less than ten" in there?

Dan Fraser said the reason for that language was to make sure that the department was only delegating the review of non-community public systems such as bars, restaurants, etc. The department would also like flexibility to delegate review of extensions of existing public systems. This act only covers public systems which serve at least 25 people a day, for a minimum of 60 days a year.

Senator Keating said the language for the public sewage system says "serves 10 or more or 25 or more". That is almost a dual definition within a single definition. Does the department make a determination of size on its own?

Dan Fraser said there are two types of public systems, community and non-community. A bar or restaurant outside the city limits that has its own water system and serves 25 or more people a day for a minimum of 60 days out of the year would be a non-community system. A subdivision that had 10 or more homes and its own water supply would be a community system.

Mr. Fraser said the department doesn't review anything that isn't public. This bill gives the department more flexibility to delegate more review than it had before.

Senator Eck asked how many local governments have the expertise to do the necessary reviews?

Mr. Fraser answered maybe one or two small governments would be interested and probably a half-a-dozen county health departments have the expertise to do non-community systems and extensions.

Closing by Sponsor: Representative Cocchiarella closed by saying this is a simple small business bill and she hopes that the committee passes it.

The hearing on HB 482 is closed.

Presentation and Opening Statement by Sponsor:

Representative Ed Grady introduced this bill regarding contaminated groundwater and leaking landfills. He stated that cleanup is expensive and time consuming. The potentially hazardous nature of solid waste landfills calls for implementation of systems monitor the extent of groundwater contamination caused by leakage.

Representative Grady said this bill will establish appropriate requirements for groundwater monitoring at municipal solid waste landfills that serve a population of 5,000 or more. The Department of Health and Environmental Sciences (DHES) will establish a priority list identifying sites which pose the greatest risk. This bill will require owners and operators with high priority sites to submit proposed plans to DHES for groundwater monitoring by January 1, 1991. All other sites must comply by January 1, 1992. Representative Grady handed out a list of the present landfill dumps that are monitoring now (the ones that are highlighted) and the ones showing leaking from contaminated groundwater. (Exhibit #4) There was a concern about how the county was going to pay the cost of putting in wells and the monitoring. He thought the cost would be passed on to the people in the landfill district who use the landfill. An amendment was passed out for the committee's consideration. (Exhibit #5)

List of Testifying Proponents and What Group they Represent:

Chris Kaufman, Montana Environmental Information Center
Will Selser, Lewis & Clark County Health Dept.
Stan Bradshaw, Trout Unlimited
Lorna Frank, Farm Bureau
Max Bauer, Jr., Browning Ferris Industries
Jim Leiter, Dept. of Health & Environmental Sciences

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Chris Kaufman said this bill will give the community information about the quality of their drinking water. This bill affects landfills serving a population of 5,000, or more which is about 28 of Montana's landfills. Only 11 landfills have a monitoring system in place and about 6 would have a system that would be adequate to meet the requirements of the bill. She assumes that of the 110 landfills operating in Montana,

about 50 or more are leaking. The landfills are not always sited well and contain a certain amount of moisture that leaches through the soil to the groundwater.

Will Selser said Lewis & Clark County is spending \$10,000 a year on monitoring landfills. He thinks this bill addresses a fairness issue to the people running landfills and the people who live around those landfills. When groundwater is contaminated, it is expensive to get cleaned up and to make drinking water safe.

Stan Bradshaw said he has an interest in this bill because groundwater often becomes surface water and poses a threat to fisheries.

Lorna Frank is concerned about groundwater pollution and feels that all reasonable management efforts should be directed to prevent contamination. She said monitoring landfills could prevent contamination.

Max Bauer, Jr.'s company operates 90 landfills in the United States. He supports the bill but not the amendment because of the restriction for wells of 100 foot depths. He doesn't think that is adequate monitoring to protect the environment. Mr. Bauer stated the DHES should evaluate each site separately and based on the hydrology and geology, make recommendations.

Questions From Committee Members:

Senator Stimatz asked if the department prepared the bill.

Jim Leiter said he prepared the fiscal note but not the bill.

Senator Stimatz asked about Butte's landfill.

Mr. Leiter said some tests for contamination were made at Butte's local landfill. Butte's landfill does not have an ongoing monitoring system. If this legislation passes, the city would be required to put in a groundwater monitoring system.

Senator Stimatz wondered if Butte was under any time pressure to close the landfill.

Mr. Leiter said the constraint of the existing Butte landfill is a lack of cover material. If the city has to bring in cover soil from another site, it could be very expensive. He said future federal regulations will require

groundwater monitoring. The urgency in Butte to move to a new site is because the community does not want to spend a lot of money monitoring a site that is full.

Senator Story asked about Helena's landfills.

Will Selser said the city has a landfill inside city limits and the county has one on the west edge of town. They both have used up their capacity. The city and county are in the middle of a joint venture to find a landfill to serve both entities. The commissioners are looking at three sites now and will choose one. The public deserves to know what may have been put into their drinking water. Some of the contaminants coming from landfills can have a very significant impact on people's health. He said if one landfill has to be monitored, then equal treatment should be given to all landfills.

Senator Story asked why a landfill has to be monitored if it is over a thousand feet deep and there are no homes within 10 miles?

Mr. Selser said if a qualified hydrologist or geologist looks at the landfill and finds no reasonable basis for determining that the landfill is polluting groundwater, then the landfill will be exempted.

Senator Story asked if the Drake amendment applies to this bill.

He explained that any law enacted by the legislature that requires a local government unit to perform a service or facility requiring the direct expenditure of additional funds must provide a specific means to finance the service or facility. This law is not effective until funding has been decided.

Mr. Selser said that landfills are set up as districts. If the cost of monitoring is expensive enough to cause the operating to go up significantly, then the county commissioners can set or increase the fees assessed to its customers.

Senator Weeding asked if some contamination was discovered in the monitoring process, then what would happen?

Mr. Selser replied it would depend on the kind of contamination. The worst possible case would be to find volatile organic chemicals in the landfill. If these chemicals are found in significant quantities, that exceed the maximum contaminant levels or even approach them, the operators would have to expand their monitoring, begin to

look at mitigation, and also provide alternate water supplies.

Senator Jenkins asked about the Federal Hazardous Waste Act? Doesn't that act preclude people from putting hazardous waste into landfills?

Mr. Selser answered that it is impossible to control every gallon jug and other material that comes into a landfill. If a person wants to get rid of hazardous material, he can put it inside a black plastic bag inside regular household garbage and the landfill operator won't see it.

Senator Weeding asked who was liable for landfills? If this bill fails, can you monitor your own landfill anyway?

Mr. Selser said the operator could be personally liable for the landfill. In the last few years, the courts have not exempted government officials for their actions. The average person or district generally will not voluntarily monitor landfills because of the cost.

Senator Eck said there was talk about setting up "amnesty days" when people who have small quantities of hazardous waste could bring it to the landfill.

Mr. Selser answered that Seattle tried "amnesty days" and abandoned the idea because people attempt to dump illicit materials in the landfill about three days after a two-day amnesty because they forget to do it during the amnesty period. He said the only way "amnesty days" would work is to have them in conjunction with an ongoing program where people can dump their hazardous waste at a reasonable cost.

Senator Eck said there has been talk about recycling centers taking care of wastes and pesticides?

Mr. Selser said he could not answer about the recycling of pesticides but there are hazardous materials that can be recycled. An example would be a degreaser used in automotive shops. There is a simple, inexpensive distilling process that these businesses can use to recycle the solvent rather than dumping it on the ground or in the landfill.

Senator Jenkins said some small-town dumps have been closed and the waste goes to a larger landfill that serves more than one town.

Jim Leiter said in the last 15 years there has been a lot of consolidation probably from 500 sites to 200 sites.

Senator Keating asked if a corporation was required under the permitting process to put in groundwater monitoring wells for private use.

Max Bauer said his corporate requirements are probably 200% to 300% more stringent than any state or federal standards because of the liability in business. His corporation doesn't buy existing sites anymore. Instead it buys new sites and makes extensive hydrology and geology studies. Landfill businesses cannot afford to make mistakes with groundwater.

Senator Keating Mr. Bauer if he supported the amendment.

Max Bauer said he supported the amendment because he doesn't agree with four wells and hundred foot depth limitations. They are not adequate.

Senator Keating asked if Mr. Bauer would recommend solid waste disposal as an industry for privatization?

Max Bauer said yes.

Senator Keating said this bill gives the department additional authority to require local governments to expend money to monitor groundwater around suspected contaminated landfills. Has the department figured out a way to pay for this service?

Steven Pilcher from the Water Quality Bureau said the costs have to be passed onto the user. There are not any state grant or loan funds available for the solid waste programs.

Senator Keating wanted to know if the Helena Valley or the county landfill made application through the Department of Natural Resources for a resource indemnity trust grant for a hydrology study in the valley?

Mr. Leiter It was a \$100,000 grant from the RIT and is projected for funding.

Senator Keating asked if the department was aware of any other grant applications or requests by local governments for Resource Indemnity Trust or renewable resource interest funds for solid waste reclamation.

Mr. Leiter said the state water quality bureau has \$80,000 in funds from the federal government for groundwater monitoring and several communities are interested in applying for those funds.

Senator Keating wondered if the federal money is for water wells for monitoring or is it federal grant money for landfill monitoring.

Mr. Leiter said these funds are available through the Environmental Protection Agency to administer a groundwater control program in Montana. They could fund some monitoring of ground water in conjunction with mining operations .

Senator Keating noted the price tag in the fiscal note.

Mr. Leiter said the department estimated a hydrologist and a half-time clerical person would be needed in our fiscal note.

Senator Keating asked about the overall program cost for local governments?

Mr. Leiter said the Department of Commerce assisted in doing the fiscal note and they had a figure for a number of different scenarios. Presumably, there are 29 landfills that fall under the 5,000 population requirement. Six are adequately monitoring now. That leaves 23, though some of those would not have to monitor at all.

Senator Keating said to assume 20 sites at \$30,000 a piece.

Mr. Leiter said if all 29 landfills are exempt, it would cost all those communities \$145,000. If all 29 landfills needed monitoring, the cost would be \$890,000 and that is based on a \$30,000 installation cost. Some landfills will be leaking, others won't.

Senator VanValkenberg said if the monthly landfill disposal rate for a residential customer is \$9.20, how much of that amount would be for groundwater monitoring?

Max Bauer said it makes a difference depending on the size of the landfill and the equipment used. The monitoring is the same for 100 acres as for a 400 hundred acre site. His corporation contracts a firm to come in to check its wells, and the yearly operating expense in Missoula is about \$20,000.

Senator Van Valkenburg said he pays \$9.20 a month for services. There are four members in his family so they are each paying 2.5 cents a month for this monitoring.

Max Bauer said his firm has probably 100 projects going on in the United States. The monitoring is a significant factor originally but over the long term, it's not real big compared to other costs.

Senator Jenkins said, in reading Section 3 of the rules, it looks like this bill could have been accomplished with rulemaking authority.

Mr. Leiter said the solid waste program has 1.5 people. The department has known for a year that 25 landfills are probably leaking into the groundwater. To pass these kinds of requirements by rulemaking would be nearly impossible.

Senator Jenkins asked if this bill has been through the appropriations committee?

Mr. Leiter answered no.

Senator Keating said this bill wasn't talked about in the department's current budget either.

Mr. Leiter said HB 752 might advance the department money through a fee system for landfills.

Senator Weeding asked about the subtitle that was mentioned.

Max Bauer said subtitle D is the new federal regulations that will be out by September. The monitoring requirements for landfills will have to be or the landfill will be forced to close.

Senator Weeding asked if this bill is passed, will the state beat the federal rules?

Mr. Bauer said counties will have a chance to get some sites cleaned up. If a site is closed before the subtitle D rules go into effect and nothing shows up, the federal government will forget it existed. If the site is operated past that date, then funds must be furnished to cover 30 years of monitoring.

Hearing is closed on HB 486.

EXECUTIVE ACTION

HB 540

HB 540 was sponsored by Representative Raney. Senator Eck moved HB 540 be concurred in. Motion carried unanimously.

HB 482

HB 482 was sponsored by Representative Cocchiarella. There was no opposition to allowing the department to make some discretionary determination on public sewers and water systems. Senator Meyer moved HB 482 be concurred in. The motion carried unanimously.

HB 680 Senator Keating said HB 680 sponsored by Representative

Amendments to House Bill No. 486
Third Reading Copy

Requested by Rep. Grady
For the Senate Committee on Natural Resources

March 8, 1989

1. Page 4, lines 23 through 25.
Following: "monitoring"
Strike: "--" on line 23 through "OWNERS" on line 25
Insert: ". (1) Owners"
2. Page 5, line 19 through line 1, page 6.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections
3. Page 6, line 19.
Strike: "(4)"
Insert: "(3)"
4. Page 6, line 24.
Strike: "(4)"
Insert: "(3)"
5. Page 7, line 24.
Strike: "[SECTION 2(4)]"
Insert: "[section 2(3)]"

E:\EQC\HB0486XX.AHZ

Reg. Grady -
Will Selser

2-15-89



Ex. 5a

HB 486

3-8-89

City-County Building
316 North Park
Helena, Montana 59623
Telephone 406/443-1010

LEWIS AND CLARK COUNTY

Scratch Gravel Landfill District

I have given this information and a short note to
Raney, Gilbert, Hannah and O'teeffe on the committee.
I will try and talk to them sometime today or tomorrow.
Will

HB 486

Initial cost to install groundwater monitoring wells at Scratch Gravel
Landfill, Helena Valley, Montana in 1983.

Cost of 3 monitor wells finished at 65-70' deep - \$ 5,000

Cost of initial sampling, analysis and report prep for
(6) wells (3 monitor, 3 domestic) - \$ 2,600

Total 1st year cost (1983) \$ 7,600

Even in today's dollars, this should be less
than \$10,000.

Call if you have others I should talk to
about this.

(WOS)

02/10/89

Will

tried to be diplomatic. Then the winds came and the ranchers panicked trying to save their buildings and homes. Time after time, the local people would say "put the fire out". People tried to be polite all summer but they had some serious problems and got nowhere. The fire was an environmental disaster.

DISPOSITION OF HJR 23

Hearing is closed on HJR 23.

EXECUTIVE ACTION (HB 486)

House Bill 486 has an amendment dated March 8th (Exhibit #8) and a fiscal note. Senator Noble moved the amendment and it passed.

Senator Noble moved that HB 486 be concurred in as amended.

Senator Keating wondered if there was any chance of changing the funding on bill to Resource Indemnity Trust Fund money.

Senator Eck thought that could be considered as a proposal for the next round.

Senator Keating asked if this legislation is enacted, where is the appropriation bill? Will this go into the big general government appropriation bill or is it in there now?

Jim Leiter, Department of Health & Environmental Sciences, didn't know.

Senator Van Valkenburg thought the cost of implementing this legislation will not be something paid for by the state of Montana. The customers of the individual landfill providers will pay the cost.

Senator Keating asked if there were provisions for fees to be charged to counties and towns.

Jim Leiter assumed the department included fee considerations and budget needs in its appropriation request. The department has written a fiscal note for a position and one-half assuming that it will come out of the general fund.

Senator Keating asked if the bill provided for rules and regulations by the department for the charging of fees.

Representative Grady said he understands the department will pass the cost on to the counties.

Senator Keating asked if general fund money will be used initially for this bill? Will there be a flow into the state's revenue from the fees charged to replace the general fund money?

Jim Leiter said there would not be unless one of the other bills has a fee system for solid waste systems. This particular piece of legislation doesn't have any way of returning that general fund money for state staff back to the state.

Senator Keating asked if either current law or this legislation gives the department authority to promulgate fees for this service to the counties? It's not a service, it's really a regulation that will be imposed on the counties to have monitoring wells around their landfills. Is it the department's idea to charge a fee?

Jim Leiter answered that the cost of any services incurred over the actual installation of monitoring wells presumably will be borne by the user of the landfill service --a member of the refuse district.

Senator Keating said that means the counties and towns are going to do their own monitor well drilling, etc. The only thing the department will provide are experts who can provide data to the counties.

Jim Leiter said the department will provide data to the counties and will approve plans made for the installation of those required wells. Under existing regulations, counties must get department approval for landfills.

Senator Keating said general fund money will pay for the two FTEs that will go to the department for those purposes. But the department will not charge anything back to the counties to recover the costs of the two FTE's.

Jim Leiter agreed.

Senator Jenkins asked if the department had spending authority for these FTE's anyplace else.

Jim Leiter said this legislation was not a department bill and the department hasn't requested it. He assumed that the department included the funding in its general appropriations request for these 2 FTEs.

Senator Eck stated that the fiscal note says this bill will be funded from the general fund unless legislation is passed approving a fee schedule. Is there another bill that does that?

Jim Leiter answered that HB 752 would provide a fee system for solid waste management systems.

Senator Eck said laboratory costs will be \$600 per sample. Is it possible to recoup some money by increasing the laboratory fee?

Jim Leiter said laboratory fees will be paid to private laboratories and some state labs based on EPA requirements.

Senator Noble moved again that HB 486 be concurred in as amended. Motion carried.

HB 657

Senator Jenkins moved that HB 657 bill be concurred in

Senator Keating noted that this is Representative Owens' bill.

Senator Eck has a question about page 13 of the bill. The sentence reads: "In addition, a fee of 60 cents for each 1,000 board feet (log scale) or equivalent must be charged if products other than logs are cut." She thought this could be interpreted to say that that charge would only be made if a product other than logs were cut.

Senator Keating recalled that one of the foresters said this language does what they want it to do.

Senator Eck recalled the forester said they intended to pay 60 cents for each 1,000 board feet or the equivalent must be charged if they are not logs, which is Christmas trees. However, she thinks the bill as written says that the charge will only be on products other than logs.

Senator Van Valkenburg suggested asking Mark Simonich (a forester) for help on this interpretation.

Mark Simonich said he acted as chairman of the task force that put this bill together. The intent on the part that Senator Eck is referring to "60 cents per thousand on all saw logs that are produced" is to collect that amount. The part that refers to "equivalent forest products" simplifies the act rather than going into detail and saying the cost would be so much for posts, rail, and so much for Christmas trees. The intent was to allow that the department by rule to have a basis for collecting the deposits on any other type of product. Our intent was that through the rules an actual rate could be set up.